

TOEROEK ASSOCIATES, INC.

March 12, 2015



Khaled B. Rahman, P.G., C.Hg.
Principal Hydrogeologist
SGI Environmental
3478 Buskirk Avenue, Ste 100
Pleasant Hill, CA 94523

Via Federal Express

David T. Chapman, Esq.
Law Office of David T. Chapman
603 Del Ganado Rd. #6051
San Rafael, CA 94903

Re: Freedom of Information Act Request: EPA-R9-2015-003778 (Fifth Partial Response)

Dear Mr. Rahman and Mr. Chapman:

On behalf of Keith Olinger, EPA, this is in further response to your above-referenced Freedom of Information Act (FOIA) request dated January 30, 2015, in which you requested, among other records:

- A. all CERCLA 104(e) responses relating to the Omega Chemical Site and/or OU2 for various facilities identified in EPA's August 2010 Final Remedial Investigation/ Feasibility Study Reports;
- B. all CERCLA 104(e) responses relating to the Omega Chemical Site and/or OU2 for various identified parties.

On the enclosed DVD, you will find copies of the following three 104(e) responses that you requested be provided by March 13, 2015 in your February 27, 2015 email to Mr. Olinger:

1. AK Steel's 8/20/2013 104(e) Response (Doc #1147898): there is one file that consists of a response letter and 27 exhibits. Redactions were made based on CBI claims asserted on Exhibits 7 to 27.
2. TIG Insurance's 8/7/2014 104(e) response for Earl Manufacturing (Doc # 1147951): consists of a 5-page transmittal and response letter and addenda A, B and C. No redactions were made.
3. 10/12/2007 104(e) response from Electric Chrome & Grinding (multiple Doc #s): consists of a 35-page response letter and 64 exhibits with multiple subparts (over 6,000 pages of attachments). The company waived its CBI claim so redactions were made for personal information in portions of files 17, 27, 33 and 53.

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EPA is unable to provide you with certain portions of documents that have been determined to be exempt from mandatory disclosure by virtue of the following FOIA provisions:

- 5 U.S.C. Section 552(b)(6): information the release of which would constitute a clearly unwarranted invasion of personal privacy of third parties; and
- Sec. 552(b)(4): trade secrets and commercial or financial information obtained from a person and privileged or confidential.

Pursuant to recent communications you have had with EPA representatives, in which you tentatively modified your FOIA request to seek only releasable documents, we do not consider this letter to be a denial or partial denial of your FOIA request. If, however, you wish to request the above-referenced documents in their entirety, we will issue such a letter to you. That letter will also include instructions for appealing EPA's decision. For the portions of the documents that were redacted due to CBI claims, we would then initiate the process of requiring the provider of such information to substantiate such claims, consistent with FOIA. **Please let us know if you would like to request any of these documents in their entirety, as opposed to releasable versions of such documents.**

If you have any questions, please contact Keith Olinger at (415) 972-3125.

Regards,



Traci R. Garner
Deputy Program Manager & Senior Project Manager

Enclosure(s): DVD (1)

cc: Keith Olinger, w/encls.
Steve Berninger, w/encls.